

CHAPTER NO. 932**HOUSE BILL NO. 2255****By Representatives McMillan, Maddox****Substituted for: Senate Bill No. 2238****By Senators Herron, Person, Burks, Finney**

AN ACT to amend Tennessee Code Annotated, Section 37-10-303(a), to create the Class A misdemeanor offense of impersonating a minor's parent or guardian for the purpose of circumventing the parental consent requirement for a minor to have an abortion.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-10-303(a), is amended by designating the existing language as subdivision (1) and by adding the following language as a new subdivision:

(2) A person commits a Class A misdemeanor who impersonates the parent or legal guardian of an unemancipated minor for the purpose of circumventing the requirements of subdivision (1).

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 10, Part 3, is amended by adding the following language as a new, appropriately designated section thereto:

§37-10-3__.

If any one or more provision, section, subsection, sentence, clause, phrase or word of this part or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this part shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed this part, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional.

SECTION 3. Tennessee Code Annotated, Section 37-10-303(a), is amended by adding the following language at the end of subdivision (1) as designated by Section 1 of this act:

Such person shall obtain some written documentation, other than the written consent itself, that purports to establish the relationship of the parent or guardian to the minor and such documentation, along with the signed consent, shall be retained by such person for a period of at least one (1) year. Failure of the person performing the abortion to obtain or retain such documentation and consent is a Class B misdemeanor, punishable only by a fine, unless the failure of the person performing the abortion to retain the required documentation was due to a bona fide, imminent medical emergency to the minor, in which case there is no violation.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 25, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 20th day of June 2006


PHIL BREDESEN, GOVERNOR